

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Maurice Grant,

Plaintiff,

vs.

Berkley County Sheriff's Office and
Cpl. Steven Worley,

Defendants.

2:23-cv-05298-BHH-MHC.

C O M P L A I N T
(JURY TRIAL DEMANDED)

Introduction

1. This is an action for money damages under 42 U.S.C. Sections 1983 and 1988, and the Fourth and Fifteenth Amendments to the United States Constitution, and state law tort claims, against Cpl. Steven Worley and the Berkley County Sheriff's Office. Defendant Worley is sued in his individual capacity. The Berkley County Sheriff's Office is sued as a government entity. This United States District Court has jurisdiction under 28 U.S.C. Sections 1331 and 1343, and pendent jurisdiction to entertain claims arising under state law.

2. The individual defendant, acting under color of state law as a police officer, violated the rights of the Plaintiff with an unreasonable seizure of his person, prohibited under the Fourth and Fourteenth Amendments to the United States Constitution. Defendants falsely arrested and imprisoned Plaintiff. These violations and torts were committed because of the

policies and customs of the Berkley County Sheriff's Office, as well as the result of negligence on the part of all Defendants.

Parties

3. Maurice Grant is a resident of Charleston County, South Carolina.

4. At all times material to this Complaint, Defendant Worley was employed by the Berkley County Sheriff's Office.

5. The Berkley County Sheriff's Office is a law enforcement agency organized under the laws of the state of South Carolina.

Facts

6. On or around January 15, 2020, Plaintiff was driving as a passenger in a vehicle with his cousin on I-526.

7. The vehicle that Plaintiff was riding in got a flat tire and while in the process of finding a safe place to pull over, Plaintiff's vehicle got pulled over by an officer from the Berkley County Sheriff's Office who Plaintiff is informed and believes was Defendant Worley.

8. Officer Worley demanded that Plaintiff and his cousin present their identification and car registration.

9. After some time, additional officers appeared at the scene and then suddenly Officer Worley drew his gun and pointed it at Plaintiff.

10. Plaintiff who was scared, confused, and upset asked Officer Worley why he was being arrested and detained.

11. Officer Worley informed him that there was a warrant out for Plaintiff's arrest for failing to stop for a blue light and evading arrest in October 2019.

12. Despite Plaintiff's protests and assertions that there was no warrant out for his arrest, Officer Worley handcuffed Plaintiff, searched Plaintiff's person, and pushed Plaintiff into his police vehicle.

11. Officer Worley took Plaintiff to the Berkely County Detention Center where he spent two nights until he was eventually released on bond.

12. Plaintiff hired an attorney to defend the criminal charges brought against him and soon discovered that the warrant that led to his arrest was for another person with the same name as Plaintiff.

13. Upon information and belief, the Maurice Grant who had fled from police in October 2019 was doing so because of assault allegations made by his then girlfriend.

14. Upon information and belief, the Berkely County Sheriffs Office had been in contact with the victim of the assault and had a description of the Maurice Grant who had assaulted her.

15. Additionally, the incident report from October 2019 described the offender as "slender" and the offending-Maurice Grant's arrest records indicate that the offending-Maurice Grant was 5'10" in height and 190 lbs. in weight.

16. Plaintiff is 6'3" in height and approximately 280 lbs. in weight.

17. Despite ample evidence that Defendants had misidentified Plaintiff and falsely arrested him, the criminal charges against Plaintiff were pending against Plaintiff for over three years until they were finally dismissed in February 2023.

18. As a direct and proximate result of the acts of the Defendants, Plaintiff suffered the following injuries and damages:

- a. violation of his constitutional rights under the Fourth and Fourteenth amendments to the United States Constitution to be free from an unreasonable

search and seizure of his person;

b. loss of his physical liberty;

c. physical pain and suffering, embarrassment, and emotional trauma and suffering;

d. lost wages, lost job opportunities, and loss of future income; and

e. permanent damage to his reputation.

30. The actions of the defendant police violated the clearly established and well-settled federal constitutional rights of Plaintiff to be free from the unreasonable seizure of his person, and to be free from the unreasonable and unjustified force against his person.

31. The actions of the Defendants were grossly negligent, proximately causing physical and mental injuries and other damage to the Plaintiff.

COUNT I: 42 U.S.C. Section 1983 against Defendant Worley

32. The Plaintiff claim damages for the foregoing injuries and damages under 42 U.S.C. Section 1983 against the Defendant Worley for violation of his constitutional rights under color of state law.

COUNT II: Assault and Battery

33. Defendant Worley assaulted and battered Plaintiff.

34. As a proximate result of the assault the Plaintiff suffered the damages described above.

COUNT III: False Arrest and False Imprisonment

35. Defendant Worley without probable cause falsely arrested and illegally imprisoned Plaintiff.

36. As a result of the false arrest and illegal imprisonment, the Plaintiff suffered the damages described above.

COUNT IV: 42 U.S.C. Section 1983 - Berkley County Sheriff's Office

37. The Berkley County Sheriff's Office developed and maintained customs, policies and practices which exhibited deliberate indifference to the constitutional rights of the citizens of Berkley County, which caused the violation of the constitutional rights of Plaintiff.

38. It was the custom, policy, or practice of the Defendant Berkley County Sheriff's Office to inadequately supervise and train its officers, including Defendant Worley, and to fail to adequately discourage constitutional violations on the part of its officers constituting wrongful arrest and arrest with no probable cause.

39. As a result of the foregoing customs, policies or practices, deputies employed by the Defendant, including Defendant Worley, believed that their actions would not be properly monitored by supervisory officers, and that misconduct would not only not be investigated or sanctioned but would be tolerated.

40. The foregoing customs, policies or practices of the Defendant demonstrated a deliberate indifference on the part of the Defendant Berkey County Sheriff's Office to the constitutional rights of the citizens of Berkley County, proximately causing the violations of the Plaintiff's rights, resulting in the damages described above.

COUNT V: Negligence – S.C. Tort Claims Act

41. The Defendant Berkley County Sheriff's Office was negligent in the following particulars:

- a. Failure to train their officers in effectuating legal arrests;
- b. Failure to supervise their officers to avoid the employment of illegal arrest and assault and battery;
- d. Failure to investigate claims of wrongful arrest thereby encouraging an institutional culture where negligence and reckless arrests are tolerated.

42. As a direct and proximate result of the acts and delicts of the Defendants, the Plaintiff suffered damages as described above.

WHEREFORE, the Plaintiff requests the following relief:

- a. Trial by jury on his claims;
- b. An award of compensatory damages against the Defendants, including but not limited to pain and suffering, mental anguish, lost wages, loss of future income, and punitive damages, as the trier may assess;
- c. An award of reasonable attorneys' fees and costs allowed by statute;
- d. Such other and further relief as this court deems just.

s/ Elizabeth Dalzell
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